

ORIGINAL

A09-0601

1 Phyllis Jamison
2 P.O. Box 343
3 Clinton, MT 59825
4 (406) 825-2004

5 IN THE SUPREME COURT OF THE STATE OF MONTANA

6 Supreme Court Cause No. _____

7
8 PHYLLIS JAMISON,

9 Plaintiff-Appellant,

10 MOTION AND AFFIDAVIT IN SUPPORT
11 OF MOTION TO PROCEED ON APPEAL
12 WITHOUT PAYMENT OF FILING FEE

13 v.

14 FRED VAN VALKENBURG,
15 MISSOULA COUNTY COMMISSION,
16 BILL CAREY, COMMISSIONER, JEAN
17 CURTISS, COMMISSIONER, JAMES
18 MCCUBBIN, DEPUTY COUNTY
19 ATTORNEY, DENA L. LUND, JACK S.
20 LUND, RICHARD B. WHEATLEY,
21 TAMBRY T. WHEATLEY,

22 Respondents-Appellees.

FILED

NOV 09 2009

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

23 I move this Court to proceed without payment of the
24 filing fee in this cause, and I submit this Affidavit in
25 support of my motion.

26 I, Phyllis Jamison, being first duly sworn, depose and
27 say that I am the Appellant in the above-entitled cause; that
28 in support of my application to proceed on appeal without
29 being required to pay the filing fee, I state that because of
30 my financial condition I am unable to pay the filing fee;
31 that I believe I am entitled to redress; and that the issues
32 which I desire to present on appeal are the following:

33 **ISSUE 1:** Whether the District Court overlooked
34 significant facts, erred and abused its discretion in denying
35 Plaintiff Jamison all pedestrian and all vehicular access to
36 the sixty foot wide county road she lives on, including

1 denying all emergency and service vehicle access, as well as
2 denying Jamison's only fire escape route out and denying the
3 only fire suppression access to her property.
4

5 **ISSUE 2:** Whether Missoula County drafted a contract
6 excluding Plaintiff Jamison from all prior negotiations,
7 lasting months, that Missoula County did engage in with other
8 neighbors who signed the contract, while Missoula County also
9 coerced Jamison into signing on the same day and time that
10 Missoula Deputy County Attorney James McCubbin hand-drafted
11 the contract, refusing to give Jamison even one day to think
12 it over, while the other neighbors had months to think it
13 over and talk to their lawyer, and McCubbin refused to give
14 Jamison a copy of the signed contract until five days later.
15

16 **ISSUE 3:** Whether the District Court's September 9,
17 2009 Judgment encourages the decades-long culture of Missoula
18 County's negligence in allowing significant encroachments,
19 countywide, onto its rights of way, per acknowledgments by
20 Missoula County Assistant Director of Public Works, Charles
21 Wright, in several "Missoulian" newspaper articles this year.
22

23
24 I further swear that the responses which I have made
25 to the questions and instructions below relating to my
26 ability to pay the cost of prosecuting the appeal are true.
27

28 1. Are you presently employed? No

29 b. If the answer is no, state the date of your last
30 employment and the amount of the salary and wages per month
31 which you received. The date of my last employment was April
32 24, 2006. My salary was \$8.15 per hour, three hours per day,
33 and so \$489. per month.
34

35 2. Have you received within the past 12 months any
36 income from a business, profession or other form of self-
employment, or in the form of rent payments, interest,

1 dividends, or other source? If the answer is yes, describe
2 each source of income, and state the amount received from
3 each during the past 12 months.

4 Yes, during the past 12 months I received Social
5 Security totalling \$5,862. Attached Exhibit "A" shows Social
6 Security of \$493. per month. My only other income of any kind
7 during the past 12 months was \$3,409. in unemployment
8 benefits, which terminated in July 2009. I have a permanent
9 physical disability and no health insurance, so all of my
10 medical bills have to come out of the above income.

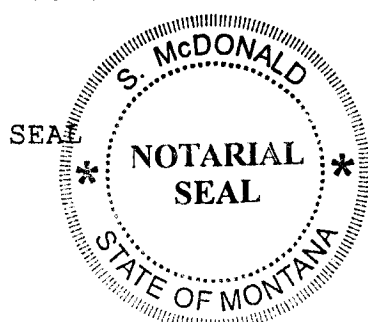
11 3. Do you own any cash or checking or savings
12 account? If the answer is yes, state the total value of the
13 items owned. I have no savings account. I have \$46.66 in my
14 checking account and \$39. cash.

15 4. Do you own any real estate, stocks, bonds, notes
16 automobiles, or other valuable property (excluding ordinary
17 household furnishings and clothing)? If the answer is yes,
18 describe the property and state its approximate value.

19 Yes, I own the house I live in and the "2009
20 Assessment Notice" shows Market Value of \$125,166. I do not
21 own any stocks, bonds or notes of any kind. I have a 1987
22 Dodge Colt that I paid \$300. for and my only other vehicle is
23 a 1978 Olds that I paid \$150. for and it isn't running now.

24 5. No one is dependent upon me for support.
25 I understand that a false statement or answer to any question
26 in this affidavit will subject me to penalties for perjury.

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36
Subscribed and sworn to before me this Phyllis Jamison
Phyllis JAMISON 7th day of November,
2009.



S. McDonald, S. McDonald
Notary Public for the State of Montana

Residing at 2010, MT

My Commission expires 01/01/2011

Your New Benefit Amount

BENEFICIARY'S NAME: PHYLLIS T JAMISON

Your Social Security benefits will increase by 5.8 percent in 2009 because of a rise in the cost of living. You can use this letter when you need proof of your benefit amount to receive food stamps, rent subsidies, energy assistance, bank loans, or for other business.

How Much Will I Get And When?

- Your new monthly amount (before deductions) is \$493.00
- The amount we are deducting for Medicare medical insurance is \$0.00
(If you did not have Medicare as of Nov. 20, 2008,
or if someone else pays your premium, we show \$0.00.)
- The amount we are deducting for your Medicare prescription drug plan is \$0.00
(If you did not elect withholding as of Nov. 1, 2008, we show \$0.00.)
- The amount we are deducting for voluntary federal tax withholding is \$0.00
(If you did not elect voluntary federal tax withholding as of
Nov. 20, 2008, we show \$0.00.)
- After taking any other deductions, we will deposit \$493.00
into your bank account on Jan. 2, 2009.

If you disagree with any of these amounts, you must write to us within 60 days from the date you receive this letter. We would be happy to review the amounts.

What If I Have Questions?

Visit our website at www.socialsecurity.gov for information and a variety of online services. You can also call 1-800-772-1213 and speak to a representative from 7 a.m. until 7 p.m. Monday through Friday. Recorded information and services are available 24 hours a day. Our lines are busiest early in the week and early in the month; it is best to call at other times. If you are deaf or hard of hearing, call our TTY number, 1-800-325-0778. If you are outside the United States, you can contact any U.S. embassy or consulate office, or the Veterans Affairs Regional Office in Manila. Please have your Social Security claim number available when you call or visit and include it on any letter you send to Social Security. If you are inside the United States, and need assistance of any kind, you also can visit your local office.

STE 5
700 SW HIGGINS AVE
MISSOULA MT

BNC#: 08B1928K79932

Over ➤

EXHIBIT A
JAMISON

p. 4 of 4